

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:20-CR-30-1
Judge Bailey

LASHAWN ROYCE NICKELSON,

Defendant.

ORDER

The above referenced case is before this Court upon the magistrate judge's recommendation that pending Defendant's Motion to Suppress [Doc. 96] and Defendant's Pro Se Additional Motion for Suppression Under Federal Rules of Evidence Rule 201 [Doc. 109] be denied.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. *Thomas v. Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 112] is **AFFIRMED**, and Defendant's Motion to Suppress [Doc. 96] and Defendant's Pro Se Additional Motion for Suppression Under Federal Rules of Evidence Rule 201 [Doc. 109] are **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein.

DATED: September 3, 2021.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE